

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

F I L E D
JUL 11 2011
CLERK'S OFFICE
DETROIT

DERRICK ALLEN, #162043,

Plaintiff,

v.

CASE NO. 2:11-CV-12933
HONORABLE VICTORIA A. ROBERTS

JEFFREY C. STIEVE, et al.,

Defendants.

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ORDER OF TRANSFER

Plaintiff Derrick Allen, a state prisoner currently confined at the Pugsley Correctional Facility in Kingsley, Michigan, has filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983 naming Dr. Jeffrey C. Stieve, the acting Chief Medical Officer for the Michigan Department of Corrections and all members of the Michigan Department of Corrections Medical Services Advisory Committee, who are based in Lansing, Michigan, as the defendants in this action. Plaintiff alleges that he is being denied surgery on his left hand resulting in hindered mobility. Plaintiff asks that the defendants to be held accountable for their actions and seeks monetary damages for pain and suffering.

The proper venue for civil actions in which jurisdiction is not based on diversity of citizenship is the judicial district where: (1) any defendant resides if all defendants reside in the same state; (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the property in question is situated; or (3) any defendant may be found if there is no other district in which plaintiff may bring the action. See 28

U.S.C. § 1391(b). Public officials “reside” in the county where they serve. *See O’Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Pursuant to 28 U.S.C. § 1404(a), a district court may transfer a civil action to any other district where it might have been brought for the convenience of the parties and witnesses, in the interest of justice.

Plaintiff’s complaint concerns events which occurred in Kingsley, Grand Traverse County, Michigan (where he is confined) and/or in Lansing, Ingham County, Michigan (where the defendants reside). Both Grand Traverse County and Ingham County lie in the Western District of Michigan. *See* 28 U.S.C. § 102(b). Given that the events giving rise to the complaint occurred in Grand Traverse County and/or Ingham County, that Plaintiff resides in Grand Traverse County, and that the defendants reside in Ingham County, the Court finds that the Western District of Michigan is a more convenient and appropriate forum for this action. Accordingly, in the interests of justice, the Court exercises its discretion and transfers this case to the United States District Court for the Western District of Michigan. The Court **ORDERS** the Clerk of the Court to transfer the court file to the United States District Court for the Western District of Michigan. The Court makes no determination as to the merits of the complaint or any pending motions.

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: July 11, 2011